

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON PAGE TWO OF THE FORM.)

I. (a) PLAINTIFFS

Miguel Torres, S.A.

DEFENDANTS

Torres de Anguix. S.L.

(b) County of Residence of First Listed Plaintiff: Barcelona, Spain
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)

Dickenson, Peatman & Fogarty
809 Coombs Street
Napa, CA 94559
(707) 252-7122

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|-----------------------------------------|---------------------------------------|---------------------------------------|---------------------------------------------------------------|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input checked="" type="checkbox"/> 3 | <input checked="" type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury—Med. Malpractice	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury—Product Liability	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881		<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers' Liability		<input type="checkbox"/> 630 Liquor Laws		<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	PERSONAL PROPERTY	<input type="checkbox"/> 640 R.R. & Truck	PROPERTY RIGHTS	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 650 Airline Regs.	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 660 Occupational Safety/Health	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 690 Other	<input checked="" type="checkbox"/> 840 Trademark	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 385 Property Damage Product Liability			<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 190 Other Contract			LABOR	SOCIAL SECURITY	<input type="checkbox"/> 850 Securities/Commodities/Exchange
<input type="checkbox"/> 195 Contract Product Liability		PRISONER PETITIONS	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 875 Customer Challenge 12 USC 3410
<input type="checkbox"/> 196 Franchise		<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 890 Other Statutory Actions
	CIVIL RIGHTS	Habeas Corpus:	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 530 General	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 892 Economic Stabilization Act
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act		<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 550 Civil Rights		FEDERAL TAX SUITS	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 555 Prison Condition	IMMIGRATION	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other		<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 950 Constitutionality of State Statutes
	<input type="checkbox"/> 440 Other Civil Rights		<input type="checkbox"/> 463 Habeas Corpus - Alien Detainee		
			<input type="checkbox"/> 465 Other Immigration Actions		

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
15 U.S.C. section 1114; 15 U.S.C. section 1125(a)

Brief description of cause:

Federal trademark infringement and unfair competition.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23
DEMAND \$ TBD

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

PLEASE REFER TO CIVIL L.R. 3-12 CONCERNING REQUIREMENT TO FILE "NOTICE OF RELATED CASE".

IX. DIVISIONAL ASSIGNMENT (CIVIL L.R. 3-2) (PLACE AND "X" IN ONE BOX ONLY)

☒ SAN FRANCISCO/OAKLAND

☐ SAN JOSE

DATE

SIGNATURE OF ATTORNEY OF RECORD

3/4/08

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E-filing

ORIGINAL
FILED
MAR - 5 2008
RICHARD W. WIEKING
CLERK OF DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND, CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Miguel Torres, S.A.,
Plaintiff,
vs.
Torres de Anguix. S.L.,
Defendant.

CASE NO.

C08-01288

COMPLAINT

1. **Federal Trademark Infringement**
2. **Federal Unfair Competition**
3. **California Trademark Infringement**
4. **California Unfair Competition**
5. **California False or Misleading Statements**
6. **Common Law Trademark Infringement**

DEMAND FOR JURY TRIAL

Plaintiff, Miguel Torres, S.A. ("Plaintiff"), for its complaint against Defendant, Torres de Anguix . S.L. ("Defendant"), alleges as follows:

NATURE OF ACTION

1. This is an action to redress violations of the federal Lanham Act for infringement of a federally registered trademark (15 U.S.C. §1114), unfair competition (15 U.S.C. §1125(a)), violation of the California Business and Professions Code for trademark infringement (Cal. Bus. & Prof. Code §14335), unfair competition (Cal. Bus. & Prof. Code §17200) and the dissemination of false and misleading statements (Cal. Bus. & Prof. Code §17500), and common law trademark infringement, as the result of willful

BZ

1 and unauthorized use by Defendant of colorable imitations of Plaintiff's trademark, as
 2 more fully set forth hereinafter. Plaintiff seeks preliminary and permanent injunctive
 3 relief restraining Defendant's infringement of Plaintiff's trademark, monetary damages,
 4 attorneys' fees and related relief.

5 THE PARTIES

- 6 2. Plaintiff Miguel Torres, S.A. is a Spanish Sociedad Anónima with its principal place of
 7 business located at Miguel Torres i Carbo 6, Vilafranca de Penedes, Barcelona, Spain
 8 08720.
 9
 10 3. Upon information and belief, Defendant Torres de Anguix. S.L is a Spanish Sociedad
 11 Limitada with its principal place of business located at La Tejera, s/n 09312-ANGUIX,
 12 (Burgos), Spain.

13 JURISDICTION AND VENUE

- 14 4. This Court has subject matter jurisdiction over Plaintiff's claim under and pursuant to
 15 15 U.S.C. §1121 and 28 U.S.C. §1338(a), as the claims arise under the federal Lanham
 16 Act, 15 U.S.C. §§1051-1127. This Court also has pendent jurisdiction over all related
 17 claims herein in accordance with 28 U.S.C. §1338(b).
 18
 19 5. Upon information and belief, Defendant, either directly or through its agents, transacted
 20 business in the State of California and within this judicial district, as more specifically
 21 set forth below, and expected or should reasonably have expected its acts to have
 22 consequence in the State of California and within this judicial district.
 23
 24 6. Venue is proper in this district pursuant to 28 U.S.C. §1391(b), as Defendant is doing
 25 business in this judicial district and therefore may be found in this district, and/or as a
 26 substantial part of the events giving rise to the claims alleged herein occurred in this
 27 judicial district, and/or the infringement occurred in this judicial district.

ALLEGATIONS COMMON TO ALL CLAIMS

7. Plaintiff is the owner of the following U.S. Trademark Registrations encompassing the term "TORRES":

Trademark	Registration No.	Goods
TORRES	897,048	Wines; brandy
TORRES and Design	1,413,565	Brandy and wine
MIGUEL TORRES	1,639,237	Wines
NEROLA TORRES and Design	2,929,180	Wines
NEROLA TORRES and Design	2,936,596	Wines
TORRES 10	2,267,401	Brandy
TORRES 20	2,267,400	Brandy
TORRES 5	2,859,655	Brandy
MIGUEL TORRES	1,358,370	Brandy

(referred to hereinafter as the "TORRES Marks"). Such registrations are valid and subsisting and owned by Plaintiff. Pursuant to such registrations, Plaintiff's TORRES Marks are also presumed to be distinctive. The following registrations are now incontestable in accordance with 15 U.S.C. §§1065 and 1115(b): 897,048 (TORRES); 1,413,565 (TORRES and Design); 1,639,237 (MIGUEL TORRES); 1,358,370 (MIGUEL TORRES).

8. Plaintiff began the sale of its TORRES wines in Spain in the 1800s. Today, Plaintiff's TORRES wine is distributed in over 140 countries throughout the world. In 2007, Plaintiff sold over 3.1 million 9-liter cases (equivalent of over 372 million 750-ml bottles) of TORRES wine worldwide. The Torres family is also one of twelve members of the First Families of Wine, along with the Antinoris of Italy and the Rothschilds of France, among others. The First Families of Wine is an international

association of the most prestigious family wine producers from different regions of the world united for the purpose of promoting the values which are the backbone of the family wine business.

9. Since as early as 1953, long prior to the acts of Defendant complained of herein, Plaintiff has used the trademark TORRES in the United States in association with wine. In 2007, Plaintiff sold over 95,000 9-liter cases (equivalent of over 1.1 million 750-ml bottles) of TORRES wine in the United States. Plaintiff's U.S. interests also include ownership in Marimar Estate, Torres Family Vineyards, a winery located in Sebastapol, California headed by Marimar Torres.

10. TORRES is known as one of the most famous and well-recognized Spanish wine brands in the United States. Torres has received numerous awards and media recognition for its wines in the U.S., including the 2006 "Best European Winery of the Year" award presented by *Wine Enthusiast* magazine.

11. In a recent survey conducted by the brand-consulting company Intangible Business, the TORRES brand was found to be one of the top 15 most powerful wine brands in the world, along with the likes of GALLO, ROBERT MONDAVI and KENDALL-JACKSON.

12. Plaintiff owns extremely valuable goodwill which is symbolized by its TORRES Marks and each use of these marks substantially increases the value of Plaintiff's company and the salability of the goods sold through Plaintiff's company.

13. Upon information and belief, Defendant, Torres de Anguix. S.L, is presently offering Spanish wine for sale in the United States and in this judicial district under the mark TORRES DE ANGUIX and the trade name Torres de Anguix.

14. The mark TORRES DE ANGUIX is confusingly similar to Plaintiff's TORRES Marks and is used on the identical goods – wine from Spain. Both Plaintiff and Defendant

1 also use their marks on wine from the Ribera del Duero region of Spain. When one
2 conducts an Internet search utilizing the Google search engine for the terms “Torres”
3 and “Ribera Del Duero,” the top ten results include references to both Plaintiff’s brand
4 and Defendant’s brand.

5 15. As evidenced by the records of the U.S. Patent and Trademark Office (USPTO), on
6 October 31, 2003 Defendant filed an application to register A TORRE DE ANGUIX
7 and Design as a trademark for wine in the United States based on an intent to use the
8 mark in U.S. commerce (U.S. Application Serial No. 76/555,544). On May 16, 2004,
9 the USPTO refused registration of Defendant’s mark based on confusing similarity with
10 Plaintiff’s registrations for TORRES (Reg. No. 897,048) and TORRES and Design
11 (Reg. No. 1,413,565), both for wine. On November 18, 2004, Defendant responded to
12 this refusal arguing the absence of confusing similarity. On December 13, 2004, the
13 examining attorney issued a final refusal of registration based on likelihood of
14 confusion with Plaintiff’s TORRES marks. On June 14, 2005, Defendant appealed the
15 final refusal to the Trademark Trial and Appeal Board (TTAB). On June 16, 2005,
16 Defendant submitted to the examining attorney a request for reconsideration of the
17 refusal and subsequently requested that the TTAB restore jurisdiction to the trademark
18 examiner for consideration of the request, which it did. On December 15, 2005, the
19 examining attorney issued a response continuing the final refusal of registration based
20 on confusing similarity of Defendant’s mark with Plaintiff’s TORRES marks and
21 restored jurisdiction to the TTAB. Defendant failed to prosecute the appeal and on
22 April 12, 2006 the appeal was dismissed by the TTAB and the appeal was terminated
23 on July 12, 2006, at which time a notice of abandonment issued against the application.

24 16. Despite its knowledge of the USPTO’s finding that its TORRES DE ANGUIX mark
25 was confusingly similar to Plaintiff’s TORRES marks, Defendant nonetheless
26
27

1 proceeded to export its TORRES DE ANGUIX Spanish wine to the United States as
2 evidenced by its current availability in the marketplace. This demonstrates a willful
3 infringement of Plaintiff's trademark rights.

4 17. On November 20, 2007, Plaintiff sent Defendant a demand letter advising Defendant of
5 Plaintiff's trademark registration and rights in the TORRES Marks and Plaintiff
6 requested that Defendant cease use of the confusingly similar TORRES DE ANGUIX
7 mark for wine. According to Federal Express records, the letter was received by
8 Defendant on November 23, 2007. Defendant never responded to Plaintiff's demand
9 letter.
10

11 18. Use of the TORRES DE ANGUIX trade name and mark by Defendant is likely to
12 confuse consumers into believing that Defendant's TORRES DE ANGUIX wine is
13 affiliated with, associated with, connected to, or sponsored by Plaintiff and its TORRES
14 brand. Defendant and its TORRES DE ANGUIX brand will unjustly benefit from such
15 association.
16

17 19. Plaintiff will be harmed by such consumer confusion as Defendant's TORRES DE
18 ANGUIX wine brand will unjustly benefit from the false association with Plaintiff at no
19 cost to Defendant. This will harm Plaintiff by endangering the ability of Plaintiff's
20 TORRES Marks to serve as unique and distinctive source indicators for Plaintiff's
21 wines.
22

23 20. Unless restrained by this Court, Defendant will proceed to unfairly compete with
24 Plaintiff by using the TORRES DE ANGUIX mark, and Plaintiff will lose control of its
25 valuable TORRES Marks, wherefore Plaintiff is without adequate remedy at law.

26 21. Defendant's infringing use of the confusingly similar TORRES DE ANGUIX mark will
27 financially harm Plaintiff by diminishing the value of Plaintiff's mark as a source
indicator for Plaintiff's goods, and Defendant's infringing use of TORRES as part of its

1 mark will increase the profitability of Defendant's TORRES DE ANGUIX brand wine
2 to the detriment of Plaintiff.

3 22. This case is an exceptional case entitling Plaintiff to treble damages and attorneys' fees.
4

5 **FIRST CAUSE OF ACTION**

6 (Federal Trademark Infringement under 15 U.S.C. §1114)
7

8 23. Plaintiff restates and reavers the allegations of Paragraphs 1 through 22, inclusive, and
9 the acts of Defendant asserted therein as if set forth in full as part of this Cause of
10 Action.

11 24. Defendant's above-averred actions constitute use in commerce of a reproduction,
12 counterfeit, copy or colorable imitation of Plaintiff's registered marks in connection
13 with the sale, offering for sale, distribution or advertising of goods or services on or in
14 connection with which such use is likely to cause consumer confusion, deception or
15 mistake as to source, sponsorship or approval of the Defendant's aforesaid services in
16 violation of 15 U.S.C. §1114.
17

18
19
20 **SECOND CAUSE OF ACTION**

21 (Federal Unfair Competition under 15 U.S.C. §1125(a))
22

23 25. Plaintiff restates and reavers the allegations of Paragraphs 1 through 24, inclusive, and
24 the acts of Defendant asserted therein as if set forth in full as part of this Cause of
25 Action.

26 26. The Defendant's above-averred actions constitute use in commerce of a word, name or
27 device and false designation of origin which is likely to cause confusion, or to cause
mistake, or to deceive as to affiliation, connection or association of Defendant with

1 Plaintiff or as to the origin, sponsorship or approval of the Defendant's services or the
2 goods offered in connection therewith in violation of 15 U.S.C. §1125.

3
4 **THIRD CAUSE OF ACTION**

5 (State Trademark Infringement under Cal. Bus. & Prof. Code §14335)

6 27. Plaintiff restates and reavers the allegations of Paragraphs 1 through 26, inclusive, and
7 the acts of Defendant asserted therein as if set forth in full as part of this Cause of
8 Action.

9
10 28. The Defendant's above-averred actions constitute infringement upon a mark registered
11 under Title 15 of the United States Code in violation of Cal. Bus. & Prof. Code §14335.

12
13 **FOURTH CAUSE OF ACTION**

14 (State Unfair Competition under Cal. Bus. & Prof. Code §17200)

15 29. Plaintiff restates and reavers the allegations of Paragraphs 1 through 28, inclusive, and
16 the acts of Defendant asserted therein as if set forth in full as part of this Cause of
17 Action.

18
19 30. The Defendant's above-averred actions constitute unlawful, unfair or fraudulent
20 business acts or practices in violation of Cal. Bus. & Prof. Code §17200.

21
22 **FIFTH CAUSE OF ACTION**

23 (False or Misleading Statements under Cal. Bus. & Prof. Code §17500)

24 31. Plaintiff restates and reavers the allegations of Paragraphs 1 through 30, inclusive, and
25 the acts of Defendant asserted therein as if set forth in full as part of this Cause of
26 Action.
27

1 32. The Defendant's above-averred actions constitute the dissemination and making of
2 untrue or misleading statements, which by the exercise of reasonable care should have
3 been known to be false or misleading, in violation of Cal. Bus. & Prof. Code §17500.
4

5 **SIXTH CAUSE OF ACTION**

6 (Common Law Trademark Infringement)

7
8 33. Plaintiff restates and reavers the allegations of Paragraphs 1 through 32, inclusive, and
9 the acts of Defendant asserted therein as if set forth in full as part of this Cause of
10 Action.

11 34. The Defendant's above-averred actions constitute trademark infringement and passing
12 off in violation of the common law of California.

13
14 **PRAYER FOR RELIEF**

15 WHEREFORE, Plaintiff requests that judgment be entered as follows:

- 16
17 1. That Defendant, its principals, partners, franchisees, agents, employees, licensees,
18 affiliates, importers, distributors, producers, any parent and subsidiary companies,
19 attorneys and representatives and all of those in privity with or acting under its
20 direction and/or pursuant to its control, be preliminarily and permanently enjoined
21 and restrained, from directly or indirectly:
22
23 a. Using the mark TORRES DE ANGUIX, or terms or marks confusingly
24 similar to TORRES, in connection with the advertisement, promotion,
25 distribution, offering for sale or selling of wine, or products or services
26 related to wine;
27
b. Performing any acts or using any service marks, trademarks, names, words
or phrases that are likely to cause confusion, to cause mistake, to deceive or

1 otherwise mislead the trade or public into believing that Plaintiff and the
2 Defendant are one in the same or are in some way connected or that Plaintiff
3 is a sponsor of the Defendant or that the services or goods of the Defendant
4 originate with Plaintiff or are likely to lead the trade or public to associate
5 the Defendant with Plaintiff;

- 6 2. That Defendant be required to file with the Court, and serve on Plaintiff, a
7 statement under oath evidencing compliance with any preliminary or permanent
8 injunctive relief ordered by the Court within fourteen (14) days after the entry of
9 such order of injunctive relief.
- 10 3. That Defendant, its principals, partners, franchisees, agents, employees, licensees,
11 affiliates, importers, distributors, producers, any parent and subsidiary companies,
12 attorneys and representatives and all of those in privity with or acting under its
13 direction and/or pursuant to its control, be required to deliver up for destruction all
14 advertising, promotional, point of sale, labels, caps, corks, neckers, packaging, and
15 any other materials bearing the infringing mark together with all artwork, plates,
16 molds, matrices and other means and materials for making and reproducing the
17 same;
- 18 4. That Defendant be ordered to pay Plaintiff monetary damages for the harm resulting
19 from infringement of Plaintiff's mark, in an amount to be determined at trial;
- 20 5. That Plaintiff's damages be trebled and that Defendant be order to pay Plaintiff's
21 attorneys' fees on the basis that this is an exceptional case;
- 22 6. That Plaintiff have such other and further relief as this Court shall deem just and
23 proper on the merits.
- 24
25
26
27

Dated: _____

3/4/08

Respectfully submitted,

DICKENSON, PEATMAN & FOGARTY

By _____

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Napa, California 94559

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Facsimile: 707-255-6876

Attorneys for Plaintiff,

MIGUEL TORRES, S.A.

DP&F

DICKENSON, PEATMAN & FOGARTY
A Professional Law Corporation


DEMAND FOR JURY TRIAL

Plaintiff hereby requests a trial by jury in this matter.

Dated: 3/4/08

Respectfully submitted,

DICKENSON, PEATMAN & FOGARTY



By

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